

ORIGINAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA**

FILED
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**U.S. DISTRICT COURT
N.D. OF ALABAMA**

UNITED STATES OF AMERICA,

v.

RICHARD M. SCRUSHY,

Defendant.

CR-03-BE-0530-S

**RICHARD M. SCRUSHY'S REQUEST PURSUANT TO RULE 32.2
TO HAVE THE JURY DETERMINE FORFEITURE NEXUS**

(Authorities Included)

Defendant Richard M. Scrushy respectfully submits this request pursuant to Rule 32.2(b)(2) of the Federal Rules of Criminal Procedure to have the jury at trial determine whether the government has established the requisite nexus between the property noticed by the government for forfeiture and the offenses allegedly committed by the Defendant.

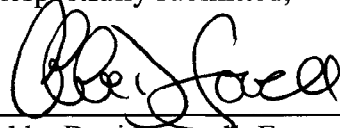
Rule 32.2(b)(2) provides: "Upon a party's request in a case in which a jury returns a verdict of guilty, the jury shall determine whether the government has established the requisite nexus between the property and the offense committed by the defendant."

Based upon the above Rule the Defendant submits this request for jury consideration of all allegedly forfeitable property in a bifurcated proceeding to occur only if there is an adverse verdict in the case.

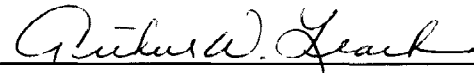
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Dated: January 26, 2004

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2004, a copy of the foregoing Richard M. Scrushy's Request Pursuant to Rule 32.2 to Have the Jury Determine Forfeiture Nexus was served by facsimile and overnight mail to:

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